

July 17, 2009

Michael Zarling
4709 15th Ave. N.W.
Rochester, Minnesota 55901

Dear Mr. Zarling:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMS RB) on July 16, 2009.

The Board's Stipulation and Order states in part:

1. Your EMT-P certification is revoked for an indefinite period of time;
2. You must surrender your EMT-P certification;
3. You may apply for recertification only upon satisfaction of all the requirements of your criminal probation, and demonstration of satisfactory rehabilitation and fitness to practice;
4. You must meet with the Review Panel, or provide the board with evidence of rehabilitation;
5. You must complete a paramedic refresher course;
6. You must retake the National Registry of Emergency Medical Technicians paramedic examination, both written and practical.
6. Comply with any other requirements stated in the Stipulation and Consent Order.

You are encouraged to take this matter seriously and abide by the stipulation and order requirements. Failure to do so may result in further action against your certification as an EMT-P.

If you have further questions, please contact Rose Olson (651.201.2804) at your convenience.

Sincerely,



Katherine Burke Moore
Executive Director

Cc: Karen Andrews, Assistant Attorney General

Enclosure: Stipulation and Order

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**



In the Matter of
Michael C. Zarling, EMT-P
Certificate No. 270709

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Michael C. Zarling, EMT-P ("Respondent"), and the Minnesota Emergency Medical Services Regulatory Board's Complaint Review Panel ("Review Panel") agree the above-referenced matter may be resolved by mail without trial of any issue or fact as follows:

I.

JURISDICTION

1. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board by which he was issued a certificate as an emergency medical technician - paramedic ("EMT-P").

II.

BACKGROUND

2. On September 28, 2008, Respondent was convicted of felony solicitation of a child to engage in sexual conduct. Following a thorough review of all available information, the Review Panel determined the matter could be resolved by mail with a Stipulation and Consent Order for the revocation of Respondent's EMT-P certification.

3. Respondent was given notice by the Board's representatives of the right to request a contested case hearing under Minnesota Statutes chapter 14 within 30 days after receiving

notice of the Board's intent to revoke Respondent's EMT-P certification. Karen Andrews, Assistant Attorney General, represents the Review Panel in this matter.

III.

FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. In November 2007, Respondent engaged in a sexually explicit chat room conversation from his home computer with a police officer posing as a 14-year-old girl. Respondent was subsequently arrested, and admitted to police that he did chat with minors via the Internet about sexual matters.

b. In February 2008, Respondent was charged in Ramsey County District Court with one count of felony solicitation of a child to engage in sexual conduct under Minnesota Statutes section 609.352, subdivision 2(a).

c. Respondent's EMT-P certification expired on March 31, 2008.

d. On May 5, 2008, Respondent entered an amended guilty plea, and on September 25, 2008, Respondent was convicted of the offense. Respondent was sentenced under a stay of imposition to serve 30 days in the Ramsey County Correctional Facility, followed by three years of supervised probation with conditions, including attending a sex offender program, restricted use of the Internet, no contact with minors or vulnerable adults, and registration as a predatory offender.

IV.

LAWS

5. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 5(a)(3) and (5) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Revocation

6. The Board **REVOKES** Respondent's EMT-P certification for an indefinite amount of time. Respondent shall not provide emergency medical services and shall not imply by words or conduct that Respondent is authorized to provide such services.

7. Respondent shall surrender to the Board his EMT-P certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, c/o Rose K. Olson, Licensing Administrator, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

B. Application for Recertification

8. Respondent may apply for recertification only upon demonstration of satisfaction of all of the requirements of criminal probation, and upon demonstration satisfactory to the Board of rehabilitation and fitness to practice. At the time of Respondent's application, Respondent must meet with a Board Review Panel and shall comply with, or provide the Board with, at a minimum, the following:

a. Evidence of Rehabilitation. Respondent shall, at a minimum, provide the Board with the following evidence of rehabilitation:

- 1) A copy of the relevant release order; and
- 2) Evidence showing that at least one year has elapsed since release from any correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or
- 3) A copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision.

b. Paramedic Refresher Course. Respondent shall retake the Paramedic Refresher Course and submit proof of satisfactory completion of the course to the Board.

c. NREMT-Paramedic Certification. Respondent shall retake the National Registry of Emergency Medical Technicians-Paramedic ("NREMT-Paramedic") cognitive and psychomotor examinations and submit proof of a passing score on each examination to the Board.

d. Certification Application and Fee. Respondent shall submit a completed application for recertification and meet all other recertification requirements in effect at the time of application.

e. Additional Information. Respondent shall provide any additional information relevant to his application reasonably requested by the Review Panel. The Board will consider all competent evidence of rehabilitation presented to the Board upon Respondent's application for relicensure.

9. The Board may, at any regularly scheduled meeting following Respondent's application for recertification pursuant to paragraph 8 above, take any of the following actions:

- a. Issue a license to Respondent;
- b. Issue a license to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or
- c. Deny Respondent a license based upon his failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

10. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is authorized to provide emergency medical services or has applied for certification as an emergency medical technician or first responder.

11. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

13. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

14. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

15. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

16. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

17. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

18. Any complaints or grievances concerning violations of Minnesota Statutes sections 364.01 to 364.10 shall be processed and adjudicated in accordance with the procedures set forth in Minnesota Statutes chapter 14, the Administrative Procedure Act.

VII.

DATA PRACTICES NOTICES

19. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

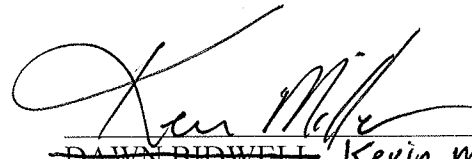
20. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

EMERGENCY MEDICAL SERVICES
REGULATORY BOARD COMPLAINT
REVIEW PANEL


MICHAEL C. ZARLING, EMT-P
Respondent

Dated: 6/15/09, 2009

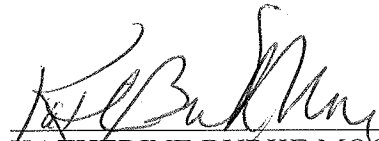

~~DAWN BIDWELL~~ Kevin Miller
Board Member

Dated: 7/16/09, 2009

ORDER

Upon consideration of the Stipulation, the Board **REVOKES** Respondent's EMT-P certification and adopts all of the terms described above on this 16 day of July, 2009.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD



KATHERINE BURKE MOORE
Executive Director

AG: #2448271-v1